

REMARKS

Claims 1 - 7 are rejected under 35 U.S.C. 101 for failure to apply, involve, use, or advance the technological arts. Applicants respectfully disagree with this rejection for the following reasons.

The USPTO Board of Patent Appeals and Interferences in Ex parte LUNDGREN, Appeal No. 2003-2088 recently stated that "Our determination in that there is currently no judicially recognized separate 'technological arts' test to determine patent eligible subject matter under §101." In response, the USPTO very recently issued Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (signed 26 Oct 2005). These guidelines state that a claim can satisfy §101 if "the claimed invention otherwise produces a useful, concrete and tangible result." As noted by the Examiner on page 3, second paragraph, of the Office Action of 08/08/2005, claims 1 - 7 do produce such a result. Furthermore, the guidelines state that "the 'not in the technological arts' test is not to be applied by examiners in determining whether the claimed invention is patent eligible subject matter."

Applicants note that these Interim Guidelines were issued after the present Office Action was mailed. However, in light of these guidelines, applicants respectfully request that the rejection under U.S.C. 101 be withdrawn.

Claims 1 - 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stowell (US 2002/0099579) in view of Najmi (U.S. Patent No. 6,687,848). Applicants respectfully disagree. Although Stowell describes templates in the cited paragraphs,

[77, 19, 20], his templates are predefined templates for contracts, RFP's, RFQ's and other terms and conditions, which are used in negotiations to establish a business relationship. Stowell also describes in paragraph [76], predefined templates of agreements and example templates of partner-specific agreements to be used in negotiations.

Nowhere does Stowell describe the step of defining an engagement model of Applicant's claim 1 and then using this engagement model to create an industry-wide engagement template. Applicant's engagement model is defined in Applicant's specification page 15, line 9 - page 16, line 4. Specifically, the engagement model is made up of a process description and is implemented as a work breakdown structure made of phases, activities, tasks, work product descriptions, techniques, and roles. The engagement model defines what gets produced over the project lifetime, the process structure, the roles required to perform the engagement, and the techniques to be used.

An engagement template is defined in Applicants' specification on page 16, lines 5 - 7, as a specific instance of an engagement model.

Clearly Stowell's predefined templates are not Applicants' engagement model as required by claim 1. Nor are they specific instances of Applicants' engagement model. Stowell's templates are predefined templates for contracts, RFP's, RFQ's, and agreements to be used in negotiations. Stowell, therefore does not describe either of the first two steps of Applicants' claim 1.

Furthermore, neither does Najmi describe these two essential

steps of claim 1. Claim 1, therefore is allowable. Independent claim 8 is also allowable for the same reasons as claim 1.

All of the remaining claims are dependent either directly or indirectly on allowable claims 1 and 8 and are therefore also allowable.

Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 103(a).

The Application is deemed in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707, 707.07(d) and 707.07(j) in order that allowable claims can be presented, thereby placing the application in condition for allowance without further proceedings being necessary.

Respectfully submitted,

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